

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEVIN D. SMITH,

Petitioner,

v.

SACRAMENTO COUNTY, et al.,

Respondents.

No. 2:21-cv-0439 JAM CKD P

ORDER

Petitioner, proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 29, 2021, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

Although it appears from the file that petitioner's copy of the findings and recommendations was returned, petitioner was properly served. It is the petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

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1 The court presumes that any findings of fact are correct. See Orand v. United States, 602  
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.  
3 See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having  
4 reviewed the file, the court finds the findings and recommendations to be supported by the record  
5 and by the magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed June 29, 2021, are adopted in full;
- 8 2. This case is closed; and
- 9 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §  
10 2253.

11 DATED: July 29, 2021

/s/ John A. Mendez

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12 THE HONORABLE JOHN A. MENDEZ  
13 UNITED STATES DISTRICT COURT JUDGE  
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